

FILED IN CHAMBER
U.S.D.C. Rome

JUL 12 2011

JAMES N. HATTEN, Clerk
By: *James N. Hatten* Deputy Clerk

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,

v.

IVAN DEJESUS CHAPA,

Defendant-Movant.

CRIMINAL ACTION

NO. 1:05-CR-254-3

O R D E R

After carefully considering the report and recommendation of the magistrate judge, together with the objections thereto, the court receives it with approval and adopts it as the opinion and order of this court. Pursuant to that recommendation, the court hereby issues a certificate of appealability on the issue of whether *Padilla v. Kentucky*, ___ U.S. ___, 130 S.Ct. 1473 (2011), announced a new rule of criminal procedure that is retroactively applicable to cases on collateral review.

SO ORDERED, this 12TH day of July, 2011.

Robert L. Vining, Jr.

ROBERT L. VINING, JR.
Senior United States District Judge